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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,387	10/03/2003	Oscar Ponce	042911-0314971	9630

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PILLSBURY WINTHROP SHAW PITTMAN, LLP  
P.O. BOX 10500  
MCLEAN, VA 22102

EXAMINER
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TRAN, PHILIP B

ART UNIT	PAPER NUMBER
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2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/677,387	<b>Applicant(s)</b> PONCE ET AL.	
	<b>Examiner</b> Philip B. Tran	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/29/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by

Aboulhosn et al (Hereafter, Aboulhosn), U.S. Pat. No. 6,938,042.

Regarding claim 1, Aboulhosn teaches a peer-to-peer communication system (= peer-to-peer file sharing) [see Abstract], comprising:

at least two peer terminals, each having an application that enables peer terminal users to perform at least one of creating data elements, modifying data elements, and sharing data elements (= peer-to-peer members 510 including components, tables, lists, folders) [see Fig. 5 and Abstract and Col. 4, Line 66 to Col. 5, Line 25], the application comprising:

a contact creating module that enables the peer terminal users to create contacts, wherein at least one contact is associated with another peer terminal user and wherein the at least one contact is designated as a sharing contact for sharing the data elements (= registering a computer system, placing a computer

system online, creating groups, inviting computer systems to become members of a group) [see Col. 4, Line 66 to Col. 5, Line 25];

a permission granting module that enables data element owners to selectively grant permissions to selected sharing contacts, wherein the granted permissions provide predetermined rights to specified data elements (= detecting the access request and the file owner provides a copy of the file to the accessing member on a peer-to-peer basis) [see Col. 1, Line 59 to Col. 2, Line 23 and Col. 7, Lines 16-31]; and

a synchronizing module that enables instantaneous propagation of changes made to data elements (= modifying file and sending updated metadata for that file to the other members of the group) [see Abstract and Col. 6, Line 59 to Col. 7, Line 31 and Col. 8, Lines 47-67].

Regarding claims 2-3, Aboulhosn further teaches the system according to claim 1, wherein the application further comprises an invitation module that enables the peer terminal users to invite selected sharing contacts to participate in a communication, wherein the invitation module informs the corresponding peer terminal users whether or not the selected sharing contacts agreed to participate in the communication [see Col. 1, Line 59 to Col. 2, Line 23 and Col. 3, Lines 14-65 and Col. 6, Lines 4-58].

Regarding claim 4, Aboulhosn further teaches the system according to claim 1, wherein the application further comprises a communications module that enables the

peer terminal users to communicate with sharing contacts [see Fig. 5 and Abstract and Col. 4, Line 66 to Col. 5, Line 25].

Regarding claims 5-6, Aboulhosn further teaches the system according to claim 1, further comprising at least one special purpose peer, wherein the at least one special purpose peer comprises at least one of a routing peer, a back-up peer, an authentication peer, a presence peer, and a relay peer [see Fig. 5].

Regarding claims 7-9, Aboulhosn further teaches the system according to claim 1, wherein the data elements include other data elements, wherein the data elements include at least one of folders, items stored in folders and folder hierarchy, wherein the data elements are structured in a hierarchical format [see Figs. 1-4].

Regarding claim 10, Aboulhosn further teaches the system according to claim 1, wherein the permission granting module further enables the data element owners to extend permissions to the sharing contacts to enable the sharing contacts to share the data elements with other peer terminal users [see Col. 1, Line 59 to Col. 3, Line 63 and Col. 7, Lines 16-31].

Claim 11 is rejected under the same rationale set forth above to combination of claims 1 and 5.

Claim 12 is rejected under the same rationale set forth above to claim 6.

Claims 13-22 are rejected under the same rationale set forth above to claims 1-10, respectively.

Claims 23-25 are rejected under the same rationale set forth above to claims 1-3, respectively.

Claim 26 is rejected under the same rationale set forth above to claim 10.

Claims 27-29 are rejected under the same rationale set forth above to claims 1-3, respectively.

Claim 30 is rejected under the same rationale set forth above to claim 10.

#### ***Other References Cited***

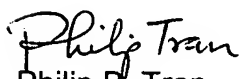
3. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

- A) Schleicher et al, U.S. Pat. No. 7,047,406.
- B) Sutherland et al, U.S. Pat. No. 7,069,295.
- C) Backer et al, U.S. Pat. No. 7,117,264.
- D) Meadway et al, U.S. Pat. No. 6,675,205.
- E) Harrow et al, U.S. Pat. Application Pub. No. US 2003/0074403 A1.
- F) Pabla et al, U.S. Pat. Application Pub. No. US 2004/0162871 A1.
- G) Matsubara, U.S. Pat. Application Pub. No. US 2003/0225796 A1.
- H) Flowers, Jr. et al, U.S. Pat. Application Pub. No. US 2003/0105812 A1.
- I) Wardrop, U.S. Pat. Application Pub. No. US 2004/0122958 A1.
- J) Cato et al, U.S. Pat. Application Pub. No. US 2003/0120928 A1.

4. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Philip B. Tran  
Primary Examiner  
Art Unit 2155  
March 05, 2007